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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 TERRANCE JON IRBY,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON, *et al.*,

12 Defendants.

CASE NO. C15-5208-RJB-KLS

ORDER ON REVIEW OF REFUSAL  
TO RECUSE

13 Plaintiff has filed a Motion for Recusal. Dkt. #47. In his Motion, Plaintiff alleges that  
14 U.S. Magistrate Judge Karen Strombom is “clearly” biased against him because she denied a  
15 motion to add Washington Governor Jay Inslee as a Defendant to this action and because she did  
16 not provide him with a copy of the Court’s Local Rules.<sup>1</sup> *Id.* Judge Strombom has declined to  
17 recuse herself and the matter has been referred to this Court in accordance with our Local Rules.  
18 LCR 3(e). Dkt. #48.

19 This Court concurs with Judge Strombom that Plaintiff has failed to produce any  
20 objective evidence of her alleged bias or that she has any reason to be partial to any party in this  
21 matter. Dkt. #48 at 3. Pursuant to 28 U.S.C. § 455(a), a judge of the United States shall  
22 disqualify himself in any proceeding in which his impartiality “might reasonably be questioned.”

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24 <sup>1</sup> Judge Strombom notes that she merely directed Plaintiff to the Clerk’s Office to obtain a copy  
of the Local Rules. Dkt. #48 at 2.

1 Federal judges shall also disqualify themselves in circumstances where they have a personal bias  
2 or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning  
3 the proceeding. 28 U.S.C. § 455(b)(1).

4 Under both 28 U.S.C. §144 and 28 U.S.C. § 455, recusal of a federal judge is appropriate  
5 if “a reasonable person with knowledge of all the facts would conclude that the judge’s  
6 impartiality might reasonably be questioned.” *Yagman v. Republic Insurance*, 987 F.2d 622, 626  
7 (9th Cir.1993). This is an objective inquiry concerned with whether there is the appearance of  
8 bias, not whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th  
9 Cir.1992); *United States v. Conforte*, 624 F.2d 869, 881 (9th Cir.1980). But there must be a  
10 reasonable basis upon which to question a judge’s ability to be impartial. Plaintiff has provided  
11 no evidence of bias or prejudice on the part of Judge Strombom, and therefore the judge is not  
12 required to recuse herself. Likewise, this Court finds no evidence upon which to reasonably  
13 question Judge Strombom’s impartiality and therefore AFFIRMS her denial of Plaintiff’s request  
14 that she recuse herself.

15 The Clerk SHALL provide copies of this order to all counsel of record and to Plaintiff.

16 Dated this 30<sup>th</sup> day of March, 2017.

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18 RICARDO S. MARTINEZ  
19 CHIEF UNITED STATES DISTRICT JUDGE  
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